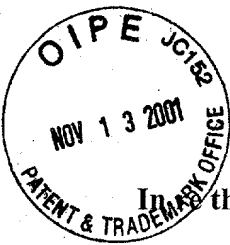


11-26-01

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Patent 031544.0004 CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED NOV 29 2001 TECH CENTER 1600/2930

In the Application of:

Salvatore Albani

Serial No.: 09/756,983

Filed: January 9, 2001

For: METHODS FOR ISOLATION, QUANTIFICATION, CHARACTERIZATION AND MODULATION OF ANTIGEN-SPECIFIC T CELLS

Group Art Unit: 1644

Examiner: To be assigned

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OFFICE OF PETITIONS

SUPPLEMENTAL PETITION TO CORRECT APPLICATION PAPERS UNDER RULE 37 C.F.R. 1.181

Office of Petitions
Commissioner for Patents
Washington, D.C. 20231

Sir:

Further to the Applicants Petition to Correct Application Papers mailed to the U.S. Patent & Trademark Office on November 2, 2001 (copy attached), enclosed are (38) sheets of replacement figures correcting the margin requirements as indicated in the Notice to File Corrected Application Papers dated June 13, 2001.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

November 13, 2001
Date of Deposit

Dulcie Donoso Forth
Name of Person Mailing Paper

Dulcie Donoso Forth
Signature of Person Mailing Paper

01/28/2002 HVUONG1 00000009 09756983

01 FC:217
02 FC:122

465.00 BP
150.00 DP

09756983-111301

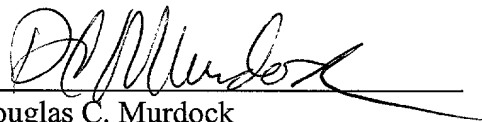
The Applicant believes there is no fee required because a check in the amount of \$130.00 for the petition fee and a check in the amount of \$460.00 for the extension of time fee was previously mailed to the U.S. Patent and Trademark Office along with our Response to the Notice to File Corrected Application Papers on November 2, 2001.

However, the Examiner is authorized to charge the Petition fee in the amount of \$130.00 as set forth under 37 C.F.R. 1.17(h) or (i) to Deposit Account No. 50-1273 if necessary.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: 10/13/01

By: 
Douglas C. Murdock
Reg. No. 37,549

DCM:dgs
BROBECK, PHLEGER & HARRISON LLP
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Salvatore Albani

Serial No.: 09/756,983

Filed: January 9, 2001

For: METHODS FOR ISOLATION,
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CHARACTERIZATION AND
MODULATION OF ANTIGEN-SPECIFIC
T CELLS



Group Art Unit: 1644

Examiner: To be assigned

RESPONSE TO NOTICE TO FILE CORRECT APPLICATION PAPERS

Commissioner for Patents
Washington, D.C. 20231

Sir:

The Patent office mailed a Notice to File Corrected Application Papers on June 13, 2001, stating that one figure, Figure 19A-D, was missing from the filing papers. Applicant asserts that the patent office was in fact incorrect in this regard. As *prima facie* evidence of the fact that all necessary figures were properly submitted, a copy of the return post card, appropriately stamped with the PTO receiving bar code and stating that 38 figures were received by the PTO, is attached herewith.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

11/2/01

Name of Person Mailing Paper

Signature of Person Mailing Paper

J. Guis

[Handwritten Signature]

Given that the error is a mistake of the Patent office, the Applicant hereby petitions for correction of the filing papers by entering the enclosed copy of figure 19 A-D. Also attached herewith is a petition and a copy of the stamped postcard Exhibit 1, a copy of the Express Mail Label Receipt is attached as Exhibit 2, and the requisite copy of the Notice to File Corrected Application Papers.

Pursuant to 37 C.F.R. 1.136, Applicant hereby petition for a three-month extension of time to respond to the Notice to File Corrected Application Papers mailed June 13, 2001. The extension is effective to allow the timely filing of response up to and including November 13, 2001. Enclosed is a check in the amount of \$460.00 to cover the extension fee.

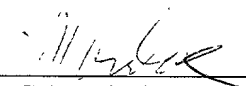
The Examiner is authorized to charge the Petition fee in the amount of \$130.00 as set forth under 37 C.F.R. 1.17(h) or (i) to Deposit Account No. 50-1273. However, as stated in the Petition, because the Applicant believes that Figure 19A-D was deposited in the U.S. Patent and Trademark Office on January 9, 2001, applicant also requests that the petition fee of \$130.00 should not be charged to the Applicant.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: 1/12/01

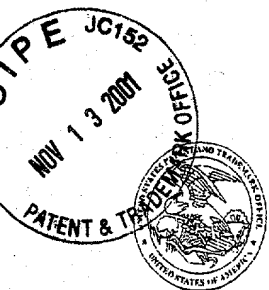
By:


Douglas C. Murdock
Reg. No. 37,549

BROBECK, PHLEGER & HARRISON LLP
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

INDEX of Exhibits

Exhibit 1 Copy of Post Card
Exhibit 2 Copy of Express Mail Label Receipt



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Page 1 of 2

NOV 27 2001

OFFICE OF PETITIONS

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/756,983	01/09/2001	Salvatore Albani	031544.0004.CIP

CONFIRMATION NO. 6818

23865
EDWARD O. KRUESSER
BROBECK PHLEGER & HARRISON
12390 EL CAMINO REAL
SAN DIEGO, CA 92130

FORMALITIES LETTER



OC000000006178886

Date Mailed: 06/13/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 19A-D described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

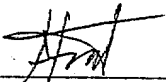
II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the

date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09756933-1100
TOTAL 639260